

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GE Lighting Solutions, LLC,)	
)	Civil Action No.:
Plaintiff)	
)	Judge:
v.)	
)	COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL
Lighting Science Group Corporation,)	
)	
Defendant.)	
)	

Plaintiff, GE Lighting Solutions, LLC (“GE Lighting Solutions”), by its attorneys and for its Complaint against Defendant, Lighting Science Group Corporation (“LSG” or “the Defendant”), alleges and states as follows:

THE PARTIES

GE Lighting Solutions, LLC

1. GE Lighting Solutions is a Delaware Limited Liability Company having its principal place of business located at 1975 Noble Road, NELA Park, East Cleveland, OH 44112.
2. GE Lighting Solutions is part of the General Electric Company, formed in 1892 (“GE”). Thomas Edison, inventor of the first successful incandescent electric lamp, was a co-founder of the General Electric Company, which combined his Edison General Electric Company with the Thomson-Houston Company.

3. In 1900, GE opened the first industrial research and development laboratory in the United States. At that research lab in 1908, GE scientist William Coolidge invented the ductile tungsten filament that made GE’s incandescent lamp significantly more durable than the original design. The invention, much like Edison’s first successful incandescent lamp, marked GE’s

technological leadership in the lighting industry, as well as its goal of bringing innovation to the marketplace.

4. Shortly thereafter, GE began construction of a location for its lamp operations.

That campus, Nela Park in Cleveland, Ohio, became the first industrial park in the world and was listed as a Historic Place in the U.S. Department of the Interior's National Register in 1975.

5. Over the years, GE scientists have amassed thousands of patents, and two Nobel prizes. The first practical visible-spectrum Light Emitting Diode ("LED") was developed in 1962 by Nick Holonyak, Jr., while working at GE.

6. Since Dr. Holonyak's invention, GE has continued to research and develop the LED, including for use as a replacement for traditional incandescent and halogen light bulbs ("lamps").

7. LED replacement lamps have been developed in the majority of commonly used formats, including household general purpose lighting, decorative, directional, and floodlighting. LED lighting can enable energy savings of at least 75%, compared with traditional incandescent light sources, while lasting up to 50 times longer.

8. The two patents asserted by GE Lighting Solutions in this Complaint are a result of GE Lighting Solutions' research and development in the field of LED replacement lamps.

Lighting Science Group Corporation

9. Upon information and belief, Defendant Lighting Science Group Corporation is a Delaware corporation, having a place of business at 1227 South Patrick Dr. #2A, Satellite Beach, FL 32937-3969.

10. Upon information and belief, the Defendant imports, makes, sells, offers to sell, and/or uses LED lamps for use in general and commercial lighting applications, including for use

as a replacement for traditional incandescent and halogen lamps.

JURISDICTION AND VENUE

11. This is a complaint for patent infringement pursuant to 35 U.S.C. § 271.
12. This Court has original and exclusive subject matter jurisdiction over GE Lighting Solutions' claims pursuant to 28 U.S.C. §§ 1331, 1332, and 1338(a).
13. This Court has personal jurisdiction over LSG by virtue of the fact that LSG does business in the State of Ohio, and sells its products, including the LED lamps for use in general and commercial lighting applications identified in this Complaint, in the State of Ohio.
14. Venue in this Court is appropriate based on 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS-IN-SUIT

15. On September 7, 2004, U.S. Patent No. 6,787,999 ("the '999 patent") entitled "LED-BASED MODULAR LAMP" was duly and legally issued to Tomislav J. Stimac, James T. Petroski, Robert J. Schindler and Greg E. Burkholder. A true and correct copy of the '999 patent is attached to this Complaint as Exhibit A.

16. GE Lighting Solutions, LLC is the owner by assignment of all legal rights, title, and interest in and to the '999 patent.

17. On October 5, 2004, U.S. Patent No. 6,799,864 ("the '864 patent") entitled "HIGH POWER LED POWER PACK FOR SPOT MODULE ILLUMINATION" was duly and legally issued to Christopher L. Bohler, Anthony D. Pollard, Greg E. Burkholder, James T. Petroski, Matthew L. Sommers, Robert F. Karlicek, Jr., Stanton E. Weaver, Jr., and Charles A. Becker. A true and correct copy of the '864 patent is attached to this Complaint as Exhibit B.

18. GE Lighting Solutions, LLC is the owner by assignment of all legal rights, title,

and interest in and to the '864 patent.

COUNT I
Infringement of U.S. Patent No. 6,787,999

19. Plaintiff realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 18 above as though fully set forth herein.

20. Upon information and belief, LSG has infringed and continues to infringe the '999 patent by, without Plaintiff's authority, importing, making, selling, offering to sell, and/or using certain LED lamps that embody the patented invention of the '999 patent, including without limitation the LSG DFN19 WW 120, DFN BR20 WW 120, DRN BR30 W27 120, DFN BR40 NW 120, DFN25 WW 120, DFN16 WW FL, DFN16 WW NFL GU10, DFN16 NW NFL 120 E26, DFN20 W27 V2 FL 120, DFN30 WW FL 120, DFN38 W27 V2 FL 120, ECS A19 V2 CW 120, ECS19 WW 120, ECS BR20 WW FL 120, ECS BR30 W27 120, ECS25 WW FL 120, ECS16 WW FL, ECS16 WW FL GU10, ECS20 WW FL 120, ECS30 WW FL 120, ECS38 WW FL 120, EC04-575L, SOL R20 DM WW NFL, R30DM WW NFL E26, and R38 DM WW FL E26 products, and will continue to do so unless enjoined by this Court. A chart comparing certain claims of the '999 patent to the LSG ECS BR30 W27 120 product is attached hereto as Exhibit C and incorporated by reference.

21. Upon information and belief, the Defendant has caused or will cause, by its infringing conduct, irreparable harm to GE Lighting Solutions for which there is no adequate remedy at law.

22. As a result of the Defendant's actions, GE Lighting Solutions has suffered and continues to suffer substantial injury, including irreparable injury, which will result in damages to GE Lighting Solutions, including loss of sales and profits, which GE Lighting Solutions would

have made but for the infringement by the Defendant, unless the Defendant is enjoined by this Court.

COUNT II
Infringement of U.S. Patent No. 6,799,864

23. Plaintiff realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 22 above as though fully set forth herein.

24. Upon information and belief, LSG has infringed and continues to infringe the '864 patent by, without Plaintiff's authority, importing, making, selling, offering to sell, and/or using certain LED lamps that embody the patented invention of the '864 patent, including without limitation the LSG DFN19 WW 120, DFN BR20 WW 120, DRN BR30 W27 120, DFN BR40 NW 120, DFN25 WW 120, DFN16 WW FL, DFN16 WW NFL GU10, DFN16 NW NFL 120 E26, DFN20 W27 V2 FL 120, DFN30 WW FL 120, DFN38 W27 V2 FL 120, ECS A19 V2 CW 120, ECS19 WW 120, ECS BR20 WW FL 120, ECS BR30 W27 120, ECS25 WW FL 120, ECS16 WW FL, ECS16 WW FL GU10, ECS20 WW FL 120, ECS30 WW FL 120, ECS38 WW FL 120, EC04-575L, SOL R20 DM WW NFL, R30DM WW NFL E26, and R38 DM WW FL E26 products, and will continue to do so unless enjoined by this Court. A chart comparing certain claims of the '864 patent to the LSG ECS BR30 W27 120 product is attached hereto as Exhibit D and incorporated by reference.

25. Upon information and belief, the Defendant has caused or will cause, by its infringing conduct, irreparable harm to GE Lighting Solutions for which there is no adequate remedy at law.

26. As a result of the Defendant's actions, GE Lighting Solutions has suffered and continues to suffer substantial injury, including irreparable injury, which will result in damages

to GE Lighting Solutions, including loss of sales and profits, which GE Lighting Solutions would have made but for the infringement by the Defendant, unless the Defendant is enjoined by this Court.

REQUESTED RELIEF

WHEREFORE, Plaintiff GE Lighting Solutions, LLC prays that this Court:

- A. Enter judgment that the Defendant has infringed the '999 and '864 patents.
- B. Issue an Order directing the Defendant and its officers, agents, servants, employees, and attorneys, and those acting in concert and participation with them who receive actual notice of the Order, to destroy all infringing products as well as all molds, machines, tooling, or other equipment used in the manufacture of products infringing the '999 and '864 patents.
- C. Permanently enjoin the Defendant and its officers, agents, servants, employees, and attorneys, and those in active concert or participation with them who receive actual notice of the Order, from importing, manufacturing, using, selling and/or offering for sale devices which infringe the '999 and '864 patents.
- D. Enter judgment and issue an Order requiring Defendant to pay damages to GE Lighting Solutions under 35 U.S.C. § 284, together with costs and prejudgment and post-judgment interest.
- E. Adjudge and decree this case exceptional under 35 U.S.C. § 285 and award GE Lighting Solutions its costs and reasonable attorneys' fees.
- F. Grant and award any and all relief found necessary and proper under these circumstances.

DEMAND FOR JURY TRIAL

GE Lighting Solutions requests a trial by jury on all issues triable to a jury.

Dated: December 28, 2012

Respectfully submitted,

Buckingham, Doolittle & Burroughs, LLP

By: /s/ Barry Y. Freeman
Barry Y. Freeman (0062040)
One Cleveland Center
1375 East Ninth Street, Suite 1700
Cleveland, OH 44114
Telephone: 216.736.4223
Facsimile: 216.615.3023
bfreeman@bdblaw.com

Crowell & Moring, LLP

By: /s/ Michael J. Songer
Michael J. Songer
(*pro hac vice* application to be submitted)

By: /s/ Michael H. Jacobs
Michael H. Jacobs
(*pro hac vice* application to be submitted)

By: /s/ William J. Sauers
William J. Sauers
(*pro hac vice* application to be submitted)
1001 Pennsylvania Avenue, N.W.
Suite 1100
Washington, D.C. 20004

*Attorneys for Plaintiff
GE Lighting Solutions, LLC*